

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

January 23, 2012

The **Regular Monthly Meeting of Berkeley County Council** was held on **Monday, January 23, 2012**, at 7:02 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis: "At this time I'll call to order the regular Council meeting for the month of January. Our first order of business is the approval of minutes. We have Public Hearing minutes from, for Bills Number **11-19, 11-36, 11-39, 11-40** from December 12, 2011, and Regular Council Meeting minutes of December 12, 2011. Do I hear a motion on the minutes?"

Council Member Schurlknight: "So move."

Council Member S. Davis: "Second."

Chairman Daniel Davis: "We have a motion and a second. Any discussion? Are there any additions, deletions or corrections? Hearing none, all those in favor please signify by saying Aye (Ayes) All those opposed Nay? (No Response). Those minutes are approved."

It was moved by Council Member Schurlknight and seconded by Council Member S. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: "At this time, as we do at every meeting, we have an opportunity, another opportunity for public comment. This is on items that are on the Agenda

anywhere on the Agenda. The same rules apply as with the Public Hearings. We ask that you come to the podium, state your name and address for the record, and we ask that you limit your comments to three minutes. I don't have anybody signed up but does anybody, would anybody like to address Council on an item on the Agenda? Ok. Thank you."

PUBLIC DISCUSSION

Public Discussion commenced at 7:03 p.m.

Public Discussion concluded at 7:03 p.m.

EXECUTIVE SESSION – none

Chairman Daniel Davis: "We'll move on. The first thing that we'd like to take up tonight is a presentation from our County Engineer, Mr. Frank Carson, and he's gonna give us an update on our 1-cent Sales Tax Transportation and 1-cent Sales Tax Program."

A. Frank Carson, PE, Engineer, Re: Update on Transportation Sales Tax Program.

Mr. Frank Carson: "Thank you Mr. Chairman, Members of Council. The Transportation Sales Tax Program has been underway for a couple of years now and we had the opportunity to make a presentation for the Chamber, who is a big proponent and had a key role in getting a referendum passed, and updated them. This is kind of a follow-on. One of the questions we always get is when is...when is Jedburg Road gonna be resurfaced? When are they gonna finish 17-A, when are they gonna do Highway 6? Heard that. When is my road gonna be done? What are you doing with all that money? So, ..."

Chairman Daniel Davis: "Don't forget about Tobacco Road!"

Mr. Frank Carson: "Tobacco Road... all very fair questions. So, and I won't answer all those questions tonight. We have to save some for later, but just hope you get a good sense of what's going on, the progress that's being made and there's progress being made every day that.. the logo you see is the sign that the Chamber used in some of the advanced advertising, and we've had some of those signs made up and putting them up on some of the projects as they get underway and some of them as they're completed, so we hope we have to reorder those things and that you see them all the time and get, maybe even get tired of seeing them. Ok. Just a little background if you, depending on how good your memory is, the original ordinance was passed in August of 2008 authorizing the referendum and the referendum as you know, was passed by the voters in November of 2008. We had calls on November the 4th, or November the 5th, wanting to know when we were gonna start paving, probably Tobacco Road, probably some of the others. The collection didn't start, the sales tax collection didn't start until May of 2009, and we only received the first check in October of that year. So far, and this is through, essentially through, two years of collections, we've collected almost \$39 million dollars, and projected over

the seven year period of the program, that would be \$120 million dollars. And that's in the range we were shooting for. That means that all the roads, the allocations that were made when the roads were selected were in the range to fund all of those and have a small contingency. So the bigger projects are gonna be a couple of years before we get to the end of construction and know what's left. Some of the smaller projects are coming in just about where the allocations fell. Ok. Some of the other County programs you might have heard about, Beauford County, Charleston County, have hired Program Managers. In other words, they contract with people who do nothing but manage their program. We haven't done that in Berkeley County. We have entered into an Inter-Governmental Agreement with DOT to manage projects, capacity projects on the State Highway System and the major resurfacing projects we're doing through consultants contracted directly with the County and we're also managing the paving projects. And we're using Consulting Engineers for those. The capacity projects—Railroad Avenue Extension, and these, by the way, were all listed in the referendum. I think that was one of the keys to the success of the referendum is that we told the voters what they would be, what the taxes would be spent on. Railroad Avenue Extension is a project that's been around for many years. We thought the impediment to construction was the funding. It turns out that funding is part of it, but CSX is an even bigger part of it. And right now, things are bogged down with negotiations and the acquisition of the right-of-way with CSX. The College Park Road widening, that project is to widen to 5 lanes the remaining sections from Crowfield to 17-A, Henry Brown Boulevard widening is in two phases—Phase I is to widen roughly two miles from Red Bank Road to Liberty Hall Road, Clements Ferry Road is also in two phases, the first phase is to widen approximately 3-1/2 miles from the Mark Clark Expressway to Jack Primus Road, which is what is now Gildan what had been Mikasa. Phase II, Henry Brown Boulevard Extension would extend it from Liberty Hall Road to US-52 at Old Mt. Holly Road and Phase II of Clements Ferry Road would be from Jack Primus Road to South Carolina 41. I listed US 17-A widening because that was also on the referendum. The asterisk is an indication that the funds, the sales tax funds are not being used on that project because of the favorable bids that were received when DOT bid the project. But I think it's safe to assume that that project wouldn't have moved forward had it not been for the County pushing it and including it in the Sales Tax Program, and trying to find a way for it to be funded. There were four intersection projects included in the referendum. Murray Boulevard at Railroad Avenue in Hanahan, 17-A at SC-41 and 45 in Jamestown; Tanner Ford Boulevard at Henry Brown Boulevard in Hanahan; and Cypress Gardens Road at Old 52 in Strawberry. Again, the asterisks indicate that those projects were built and didn't require sales tax funds. These are, as we knew when we included these in the referendum, these had been stalled projects for various reasons, the biggest being funding. Somehow, they found a way to move those forward.”

Chairman Daniel Davis: “Frank, I think all four of those have not been completed, correct?”

Mr. Frank Carson: “Uh, yes. They've all been completed. Either through the Sales Tax Program or through other means. We had two major resurfacing projects—Jedburg Road, approximately 6 miles from the Dorchester line to US-176, and South Carolina 6 was 9 miles from Moncks Corner to SC-311. We used to say to the Cross Tower, so you can, as a giveaway to how long you've been here since Cross Tower's been gone for several years.”

Council Member Schurlknight: “Frank. On these two projects here, you are going a little in-depth on them a little later on in the presentation?”

Mr. Frank Carson: “Yes.”

Council Member Schurlknight: “Ok. Thank you.”

Mr. Frank Carson: “Yes. There are also 28 unpaved County-maintained roads that were to be improved—drainage, widening, and paving, that were named in the referendum. And there was a category for local street resurfacing. These were not named, but there was an allocation set aside that we would spend money on resurfacing the local streets. A lot of these are local roads, secondary roads, sub-divisions, and we were gonna get input from citizens from community groups and other agencies to come up with a prioritized list, and if you remember, we, and we’ll talk about that a little bit more later. We’re gonna do that in phases so we’ve got some started right away and we also would do it later, depending on how the other projects, how the cost ended up through construction. Again, the Railroad Avenue Extension, this would be a 2-lane road right away varies, and it would basically connect the older section of Hanahan with Eagle Landing and Otranto. Those of you from Hanahan know that this is a huge problem because from those areas, you have to get out Hwy. 52, get back again—there are two railroad crossings involved, just to get to the school. And the status, DOT is continuing to coordinate with CSX on their many significant issues on designing and permitting within the railroad right-of-way. The budget for that project is \$8.2 million dollars. The preliminary engineering is complete and construction is unknown simply because of the process we’re working through with CSX. College Park Road widening again, is 2.3 miles from existing 5-lane section of 17-A. It’s a 5-lane curb and gutter section with bicycle and pedestrian facilities. One important part that wasn’t part of our project, but the Myers Road and 17-A intersection is gonna be relocated and signalized. That is gonna be a DOT safety project that will be contracted at the same time, so when, in that respect, we leveraged roughly \$1-1/2 million dollars of other funds that could be done as one project. The preliminary engineering is complete and the right-of-way acquisition is underway.”

Council Member Farley: “Do you have any schematics on where they’re gonna relocate? If you’re coming out of Myers Road to 17-A is it gonna be to the right or to the left?”

Mr. Frank Carson: “It’ll be towards Moncks Corner.”

Council Member Farley: “To the right?”

Mr. Frank Carson: “Yes. And it will be signalized, which is the big problem now.”

Council Member Farley: “Right. Thank you.”

Mr. Frank Carson: “This is a rendering of a typical cross-section. This looks like a rural setting, and obviously it’s not a rural setting. There are a lot of challenges for the right-of-way

acquisition. There are some relocations involved and that is one of the big increases in the budget for this project. But again, the right-of-way acquisition is underway. The budget is \$26.2 million dollars and hopefully we'll be under construction later this summer. I'd also mention there's big utility relocation project with that, and we were able to work with Water and Sanitation and with DOT to hopefully short-circuit some of the delays that you have in some of these larger widening projects. Phase I of the Henry Brown Boulevard Extension goes from Red Bank Road to Liberty Hall Road. Again, this is a 5-lane section. There will be several intersection improvements. Through the traffic studies, there are gonna be some additional turn lanes at Red Bank Road and at Liberty Hall Road, and the public information meeting has been held. There will be a public hearing probably within the next two months and this is the typical section there, and notice this is not curb and gutter, and there'll be a 10 ft. wide multi-use path on one side. And the budget for that project is \$10.3 million dollars, and again, we're looking at 2013 for construction date.

Council Member Farley: "What's the length of it? 1.9 miles?"

Mr. Frank Carson: "I have that one."

Council Member Farley: "I saw it earlier."

Mr. Frank Carson: "That one escapes me, Mr. Farley."

Council Member Farley: "Ok. Thank you."

Mr. Frank Carson: "1.9, yes. That's correct. Phase I of the Clements Ferry Road widening is from 526 to Jack Primus Road. This will be a 4-lane curb and gutter with a raised planted median, and a multi-purpose trail on one side. This is in the City of Charleston, and we've worked closely with the City and with the Council of Governments. The planted median is a feature that the City of Charleston felt was important. They're gonna maintain it. They'll have a maintenance agreement with DOT for that, and the, instead of the, I'm gonna skip a bit here to go to the typical section. For that area, there's a lot of industrial development, a lot of commercial activity and truck traffic, and there are also some right-of-way constraints, and the consensus was that the trail, a multi-purpose trail, would be better suited for that location. And trying to provide bike lanes and sidewalks is really not a place I'd think you'd have much pedestrian traffic. Yes, sir?"

Council Member Callanan: "A quick question on this. Has this...it shows 526 to Jack Primus, was this extended to St. Thomas Island Drive? It's maybe not the widening but the maybe, the curb and gutter and the bike path? Am I correct on that?"

Mr. Frank Carson: "It's not extended in the project, and the reason is this has to go in most of these capacity projects. We're trying to keep them federal funding eligible. And in the NEPA process, if you include it in that, in the environmental assessments, you have to show the need and purpose."

Council Member Callanan: "Oh, ok."

Mr. Frank Carson: "So that element will be a separate project at some point in time but not through the NEPA process."

Council Member Callanan: "So, it won't be done simultaneously?"

Mr. Frank Carson: "It can be done simultaneously. It just can't be incorporated in the scope of what technically is the Phase I for federal highway purposes."

Council Member Callanan: "Ok."

Mr. Frank Carson: "And that has implications to Phase II as I'll show you in just minute. The budget for the Phase I project is \$19.5 million dollars. Preliminary engineering is underway. We anticipate right-of-way later this summer, and construction in 2013. Phase II of Henry Brown Boulevard Extension would go from Liberty Hall Road to US-52 at Old Mt. Holly Road, and this would be a 3-lane section. Some of this road already exists as 2 lanes this developer built, and this is a typical section. Again, this is a project that is in the City of Goose Creek, and we worked with the city to try and meet their expectations. They also indicated that they would take responsibility for maintaining a planted median. This is a 3-lane section in a wide, I know, some of the preliminary thoughts were that this would be a 4- or 5-lane section, but the traffic projections just didn't bear that out, but we did want the capability in the future to do another widening project. Again, this would have a separated, multi-use path within the right-of-way. The budget right now is \$2 million dollars, and that budget is only for the preliminary engineering. Some of the—looking at all of the cost that had to go among the projects, we're continuing to, with the preliminary engineering, but the right-of-way acquisition and the construction is unfunded at this time. Phase II of Clements Ferry Road widening again is from Jack Primus Road to SC-41 and it will be essentially the same as the Phase I section. There is some opportunity for a wider median because of going through the Guggenheim property or Cainhoy Plantation. They've indicated a desire to have a little bit different look in that area that's not developed yet. And we'll continue to work with them on that. There again, going back to the Federal funding process, because of the NEPA Process and, they require to sign off on an environmental assessment, they would require that you show full funding for a project, and we're not able to do that on Phase II, so what we've done is to suspend work on the Phase II until we get through the Phase I project with the NEPA process, and then we would pick that up. But some of the work has already begun and completed and just set aside for the moment. Yes, Sir."

Council Member Callanan: "Do you have any idea, what's the total cost on that might be?"

Mr. Frank Carson: "We don't on Phase II, no."

Council Member Callanan: "Is there more environmental and right-of-way issues in that than Phase I?"

Mr. Frank Carson: "Well, the Phase I, that's an unknown at the moment. Phase I is in an area where when we did a widening project, we had a Department of Commerce grant back in the 90s I guess, late 90s. And we acquired a right-of-way for a 5-lane section up to Jack Primus at that time, so the right-of-way acquisition is not the big component there. There are some utility issues that have to be overcome but this would all be a new right-of-way acquisition in Phase II. Again, the budget is based just on the preliminary engineering and we're showing the right-of-way in the construction as being unfunded. This again, is just a description of the Murray Boulevard at Hanahan Road. That project has just been completed and that relocation created the residual property that County has now purchased from Charleston CPW for the Hanahan Library site. 17-A and 41-45 in Jamestown has also recently been completed. The studies show that the only thing that was needed there was to improve the turning radii at the intersection. There's a lot of logging trucks and other haulers that create some problems for them there. Then on the major resurfacing projects, Jedburg Road resurfacing, that's going to be widened to 12' travel lanes with 2' paved shoulders and widening the earthen shoulders and that's gonna be reconstructed by full-depth reclamation. It's basically tearing up the whole road and rebuilding it. The plans are complete. We actually have the environmental permits and that project has been advertised for bid this past weekend, so we're gonna have a bid opening in February and that project will be done this summer. SC-6 resurfacing again will be widened to 12' travel way with 2' paved shoulders. The preliminary design is completed. We're in the permitting phase now and we're looking at a March or April bid date, and again, construction this summer. Local street resurfacing, again, this is a 1st phase and Council approved the selection of the 82 roads that were recommended and the first contract has already been let and construction will begin next month."

Council Member Schurlknight: "Frank? On Jedburg and Highway 6, you said our projections are this summer starting?"

Mr. Frank Carson: "Yes."

Council Member Schurlknight: "You feel pretty comfortable with those projections?"

Mr. Frank Carson: "Yes. As I said, Jedburg Road is already advertised for bids."

Council Member Schurlknight: "Right."

Mr. Frank Carson: "So we'll be opening bids in February."

Council Member Schurlknight: "Right. Ok. You think we're looking at bidding out 6 around March?"

Mr. Frank Carson: "Yes. And finishing before the end of the year."

Council Member Schurlknight: "Thank you. And also Hwy 6 going to be reconstructed, basically like 311 was...grinding?"

Mr. Frank Carson: "That's correct."

Council Member Schurlknight: "Laying the foundation down."

Mr. Frank Carson: "There again, when we started this process back in 2008, we thought that would be a patch and resurface, and when we did the geotechnical work, we found that there's only a sand-clay base there, there's nothing. There's no structure underneath, so we made the decision it's gonna be extra funding but that's gonna be a full depth reclamation as well. So it will be everything chewed up, add cement to stabilize it, and then put two courses of asphalt. This is a summary of the dirt-to-pave projects and the way you see it set up, we have in there two charts. You can see there's sort of a gap. We have some that haven't been assigned and then there are a lot of them that are to the right that are in the permitting and right-of-way, and if you recall, a few weeks ago, we came before you and explained the problem we have with right-of-way acquisition on a lot of these, and we're moving forward at that now. Two of these, Firehouse Road and Mourning Drive have just been bid. We had a bid opening middle of last week, and we'll be coming to you with those contracts at next month's Committee Meetings. This information is also posted on the website for, particularly for these paving projects and what the status is for each project and anyone can go to the website and get that information."

Council Member S. Davis: "Frank, I was out in the Cordesville Community recently and they asked me specifically whether the Jellyroll Road is unpaved road and whether it was in the 1-cent sales tax inclusion."

Mr. Frank Carson: "No, sir. These again, were all listed. These 28 roads were what was listed in the referendum. I'm familiar with that road but it's not one of them."

Council Member S. Davis: "Wow."

Mr. Frank Carson: "It's under...they have a petition and it's one of many in the C-fund consideration."

Council Member S. Davis: "Oh C-fund?"

Mr. Frank Carson: "But it's not funded at this point."

Council Member S. Davis: "My God, you can cause me not to get re-elected out there. We gotta do something...thank you."

Council Member Schurlknight: "Frank. I had a question. Mitchum Town Road..."

Mr. Frank Carson: "Yes."

Council Member Schurlknight: "I see you got a preliminary and right-of-way. Are we having some difficulties acquiring right-of-ways on Mitchum Town Road?"

Mr. Frank Carson: "Yes, we are."

Council Member Schurlknight: "Okay because I've been getting some calls from Mitchum Town Road, I'd like it if you could give me some information. So,..."

Mr. Frank Carson: "Ok. Well, again, I think we had the numbers. I think that when we talked about the problem we're having on different roads, Mitchum Town is one where there's a larger percentage than you'd like to see that either refused or didn't respond."

Council Member Schurlknight: "Right."

Mr. Frank Carson: "And I don't know the reasons, but..."

Council Member Schurlknight: "Ok, but that will give me some talking points. Thank you."

Mr. Frank Carson: "Ok. That's the end of the presentation. If there are any questions on specific projects or"

Council Member Schurlknight: "Wilder Road. You know that, where's that?"

Mr. Frank Carson: "Yes, sir."

Council Member Schurlknight: "Ok."

Mr. Frank Carson: "That's...the plans are done, the permits are done and we're in right-of-way acquisition."

Council Member Schurlknight: "Where's it located?"

Mr. Frank Carson: "Wilder?"

Council Member Schurlknight: "Yeah."

Mr. Frank Carson: "It's across Hwy. 52 from you."

Council Member Schurlknight: "Yeah, I thought so."

Mr. Frank Carson: "Very near to you."

Council Member Schurlknight: "Off Mendel...um, Mandela. Yeah, ok. Thank you."

Chairman Daniel Davis: "The votes in there will make up for the other ones."

Council Member Schurlknight: "No, those are in Caldwell's district."

Chairman Daniel Davis: “Ok. Thank you, Frank. I want to make a comment on another major road project that’s obviously not included in this program although there is, there are some dollars devoted to it, and that’s the new Sheep Island interchange on I-26. We had the, kind of the first official action on that process which was the public hearing and that was held January 10th at Cane Bay High School. We had a good number of people that came out for that public hearing. The, a lot were there to get information about that project. There were no negative comments. Everybody seemed to be pretty well pleased with that. And I’m also pleased to report that just last week, the State Infrastructure Bank appropriated an additional \$15 million dollars for that project. We’ve been busy all day today meeting, crunching numbers and seeing where we stand and all that looks real good, looks very promising, and we’ll be proceeding with finalizing the environmental documents and with engineering design and permitting. So everything looks real good on that, so... Be watching for news updates on that in the future. Ok, anybody have any questions about any of that before we leave it?”

Council Member Schurlknight: “Mr. Chairman, I’d like to make a quick comment about the Jedburg and the Sheep Island, and everything that’s been going on the Interstate out there. First, I think that is going to be a catalyst, to really push our economic development up another notch. I think it’s really gonna enhance the Port Authority. I think it’s gonna help tremendously with jobs here in Berkeley County. And I’m sure the Council is excited about that happening and there’s a lot of work that we’re doing and done. I think for 6 or 7 years trying to pull this thing together. A lot of people worked on it, and I think that we’re gonna be ready to start gathering our fruits of labor on that project, and it’s gonna be real nice. There’s gonna be some very exciting announcements that’s gonna be coming out of this. I know, matter of fact, there’s one project that we lost. It would have been great for the County, but we look forward enough along on the project and it’s good to see us getting this close now so we can start getting some of those jobs here in Berkeley County. I think that is a very quantum leap forward for the County to get this thing pulled off. It looks real promising, right now. I’m very excited.”

Chairman Daniel Davis: “No doubt about all that.”

Council Member S. Davis: “And Mr. Chairman, I just want to add that a lot of this was made possible under your astute leadership, and you deserve all a pat on the back, with your staff and support group, because Berkeley County is really a County on the move. And I think you share, as well as other members of this Council, have a lot of input, and I think that the citizens of Berkeley County are well-served by your leadership, currently as a Supervisor.”

Chairman Daniel Davis: “Thank you, thank you. Ok. We’ll move on now to the Standing Committee Reports. Committee on Finance, Mr. Schurlknight.”

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

- a. Capital Project, General Obligation Bonds, Series 2009A for the St. Stephens Library and Magistrate Office.

Chairman Schurlknight: "Mr. Chairman, the Committee on Finance met earlier this night and all of the matters have been addressed. On recommendation of the Committee, I move to adjust the project budgets for the 2009 General Obligation Funds which will apply approximately \$770,000 of funding to the St. Stephens Library and Magistrate Office."

(No Second Required.)

Chairman Daniel Davis: "We have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion carries."

Chairman Schurlknight: "Also, Ms. Cathy Davis gave a report on the Transparency Committee Meeting that was held on Wednesday, January 18, 2012. Mr. Chairman, that concludes my report."

2. Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: "Mr. Chairman, the Committee on Land Use met on January 9th and all matters have been addressed. Mr. Chairman, that concludes my report."

3. Committee on Public Works and Purchasing

Council Member, Mr. Caldwell Pinckney, Jr., Chairman

- a. CBWWTP Flow Diversion Contract 2

Chairman Pinckney: "Mr. Chairman, the Committee on Public Works & Purchasing met on January 9, 2012. On recommendation of the Committee, I move to award the contract for the CBWWTP Flow Diversion Contract to MJL, Inc. in the amount of \$2,238,407.80."

(No Second Required)

Chairman Daniel Davis: "We have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved."

Chairman Pinckney: "Mr. Chairman, that concludes my report."

4. Committee on Justice and Public Safety

Council Member, Mr. Steve C. Davis, Chairman

- a. 2010 LEMPG Competitive Project Award

b. 2011 HMEP Planning Grant

Chairman S. Davis: "Mr. Chairman, the Committee on Justice & Public Safety met on January 9, 2012. On recommendation of the Committee, I move to accept the FY2010 Competitive Local Emergency Management Performance Grant in the amount of \$15,545.00 for emergency equipment, communications and employee salary augmentation." (*No Second Required*)

Chairman Daniel Davis: "We have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved."

Chairman S. Davis: "Also, on recommendation of the Committee, I move to accept the FY2011 Hazardous Materials Emergency Preparedness Grant in the amount of \$33,783.23 for planning, exercises, projects and training specifically related to hazardous material. (*No Second Required*)

Chairman Daniel Davis: "We have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved."

Chairman S. Davis: "Mr. Chairman, that concludes my report."

5. Committee on Water and Sanitation

Council Member, Mr. Robert O. Call, Jr., Chairman

a. Curb-side Recycling – Daniel Island

Chairman Call: "Mr. Chairman, the Committee on Water & Sanitation met on January 9, 2012. On recommendation of the Committee, I move to approve the modification of the Waste Industries Franchise Contract to allow the community of Daniel Island to join the recycling portion of this contract. (*No Second Required*)

Chairman Daniel Davis: "We have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That contract is approved."

Chairman S. Davis: "Mr. Chairman, that concludes my report."

6. Committee on Planning and Development

Council Member, Mrs. Cathy S. Davis, Chairman

Chairman C. Davis: "No report, Mr. Chairman."

7. Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: "No report Mr. Chairman."

8. Committee on Human Services
Council Member, Mr. Dennis Fish, Chairman

Chairman Fish: "No report Mr. Chairman."

County Attorney N. Ewing: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, mam?"

County Attorney N. Ewing: "If we could perhaps go back to Finance Committee and perhaps address the Transparency Committee Sub-Committee motions that were made at the Finance Committee level and ask Mr. Schurlknight to report those out for a vote by full Council. Ms. Davis, if you could perhaps help us with the actual motions that were made or maybe Cathi could help us. I've got some scribbled down notes here but they're not very complete. I know we had three items."

1a. Committee on Finance
Council Member, Mr. Jack H. Schurlknight, Chairman
b. Transparency Committee Report

Council Member C. Davis: "The first one was to approve the posting of Council Meeting videos on YouTube and Facebook."

County Attorney N. Ewing: "And Google Plus I think too. Was that part of the motion? I have that written down. I could be wrong. Does anybody recall?"

Council Member C. Davis: "Pending legal approval."

Council Member S. Davis: "That's correct."

Chairman Daniel Davis: "Ok. Mr. Schurlknight, do you accept that as a motion from the Committee?"

Council Member Schurlknight: "Yeah."

Chairman Daniel Davis: "Ok, we have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved."

Council Member C. Davis: "The second one, motion to approve that all Boards and Commission Meetings be posted on the County Meeting Page Website 48 hours prior to the meeting date and time."

County Attorney N. Ewing: "Could I just add to that motion because I believe it was also the Boards and Commissions notify the Clerk of Council of those meetings for inclusion as well, if we could just add that to the motion?"

Council Member C. Davis: "That the Boards and Commissions would notify the Clerk of Council of their meeting times."

Chairman Daniel Davis: "Ms. Windham, do you have that whole motion down? Are you comfortable with that? Ok, we have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved."

Council Member C. Davis: "The third one was a motion that at the beginning of each meeting the Clerk of Council would state for the record that 'This meeting has been properly noticed via the South Carolina Freedom of Information Act.'"

Chairman Schurlknight: "Yes, that's correct."

Chairman Daniel Davis: "Ok, we have a motion. Any discussion? Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). That motion is approved. That was all of them, correct?"

Council Member C. Davis: "Correct."

Chairman Daniel Davis: "Ok thank you."

Chairman Schurlknight: "Mr. Chairman, that concludes my report."

Chairman Daniel Davis: "Thank you, Mr. Schurlknight. That's called getting the re-do."

Chairman Schurlknight: "Exactly."

Council Member Call: "Recap."

Chairman Daniel Davis: "Ok, we have several items for or four items for Third Reading. Bill Number 11-19....."

Council Member S. Davis: "Move for approval..."

County Attorney N. Ewing: "No, no, no. That was the one that's being held."

Chairman Daniel Davis: "Oh, you're right, forget that."

THIRD READING:

"BILL NO. 11-42, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO GOVERN THE SIZE, NUMBER, LOCATION, AND DESIGN OF ALL OFF-STREET PARKING AND LOADING FACILITIES IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY."

It was moved by Council Member Callanan and seconded by Council Member S. Davis to **approve** Bill No. 11-42 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-01-01 is attached to these minutes.)

"BILL NO. 11-43, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO PROVIDE FOR THE REGULATION USES PERMITTED WITH CONDITIONS WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT."

It was moved by Council Member Fish and seconded by Council Member Schurlknight to **approve** Bill No. 11-43 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-01-02 is attached to these minutes.)

"BILL NO. 11-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #196-00-00-031 & 196-00-00-105."

(Thomas & Hutton For Stanley Miles Properties, LLC)

It was moved by Council Member Schurlknight and seconded by Council Member S. Davis to **approve** Bill No. 11-44 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-01-03 is attached to these minutes.)

Council Member Fish: "Mr. Chairman, I make a recommendation you treat all four bills with one reading."

Chairman Daniel Davis: "Alright, I'll do that."

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

“BILL NO. 11-45, REQUEST BY AMY MURRAY FOR FRED HOLSEBERG, LOCATED AT 1880 N. MAIN ST., SUMMERVILLE, TMS #222-13-06-011 (4.40 +/- ACRES) FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT.”

“BILL NO. 11-46, REQUEST BY GILES BRANCH FOR MARION’S RUN, LLC, LOCATED ON CLEMENTS FERRY ROAD ADJACENT TO LEGRAND BLVD, CHARLESTON, TMS #271-00-02-035 (17.95 +/- ACRES) FROM R-4, MULTI-FAMILY SMALL SCALE DISTRICT TO R-5, MULTI-FAMILY LARGE SCALE DISTRICT. “

“BILL NO. 11-47, REQUEST BY MAXIE GADSDEN, LOCATED AT 3484 STEED CREEK ROAD, HUGER, TMS #202-00-00-012 (0.42 +/- ACRES) FROM FLEX-1, AGRICULTURAL DISTRICT TO RNC, RURAL AND NEIGHBORHOOD COMMERCIAL DISTRICT.”

“BILL NO. 11-48, AN ORDINANCE OF THE COUNTY COUNCIL OF BERKELEY COUNTY PROVIDING FOR THE AMENDMENTS OF THAT CERTAIN WATER PURCHASE AND SUPPLY AGREEMENT BETWEEN THE LAKE MARION REGIONAL WATER AGENCY AND BERKELEY COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Farley and seconded by Council Member Pinckney to approve Bills Numbered 11-45; 11-46; 11-47 and 11-48 for Second Reading. The motions passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

FIRST READING:

“BILL NO. 11-49, AN ORDINANCE (1) AUTHORIZING THE EXECUTION AND DELIVERY OF FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (THE “INCENTIVE AGREEMENT”) BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (“THE COUNTY”) AND MWV-OMNI, LLC, ACTING FOR ITSELF, OR ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS, (THE “COMPANY”), IN CONNECTION WITH THE ESTABLISHMENT OF CERTAIN FACILITIES AND/OR THE MAKING OF CERTAIN INVESTMENTS IN THE COUNTY (THE “PROJECT”); (2) AUTHORIZING THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) APPROVING AND RATIFYING THE ASSIGNMENT AND TRANSFER TO THE COMPANY OF THE RIGHTS, INTERESTS, AND OBLIGATIONS OF EASTWAY

PROPERTIES, LLC (“EASTWAY”) AND TC-MET OMNI PHASE I, LLC (“TC-MET”) UNDER (I) THE FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN THE COUNTY AND EASTWAY DATED AS OF JUNE 9, 2008 AND (II) THE PARTIAL ASSIGNMENT AND ASSUMPTION OF FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN EASTWAY AND TC-MET (COLLECTIVELY, THE EXISTING FILOT AGREEMENT); (3) AUTHORIZING TERMINATION OF THE EXISTING FILOT AGREEMENT UPON EXECUTION AND DELIVERY OF THE INCENTIVE AGREEMENT; AND (4) AUTHORIZING OTHER MATTERS RELATING THERETO.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2011-2012 BUDGET FOR BERKELEY COUNTY FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Pinckney and seconded by Council Member Schurlknight to **approve** the resolution providing for a transfer of funds appropriated in the 2011-2012 budget for Berkeley County. The motion passed by a unanimous voice vote of Council. (A copy of resolution number 12-01 is attached.)

“RESOLUTION HONORING THE 2011 TIMBERLAND HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE SOUTH CAROLINA STATE CHAMPIONSHIP AA DIVISION.”

Chairman Daniel Davis: “Also, make a recommendation that we prepare resolutions like these and the other two for....”

Council Member Callanan: “Goose Creek and Bishop England.”

Chairman Daniel Davis: “Goose Creek and Bishop England.”

Council Member S. Davis: “All those going to be added in these resolutions.”

Chairman Daniel Davis: “Ok.”

Council Member S. Davis: “And so, we’ll just include them in the Heading, Madam Clerk.”

Chairman Daniel Davis: “We can prepare, we can do separate resolutions. That way they can each frame it and have it.”

Council Member S. Davis: “Ok, thank you.”

County Attorney N. Ewing: “Mr. Chairman, since I’ll probably be the one who ends up drafting them; if someone could send me the information.”

Chairman Daniel Davis: "We'll get some help with that."

County Attorney N. Ewing: "That would be greatly helpful and all. Thanks."

Council Member S. Davis: "Ok, thank you. You want me to read mine into the record?"

Chairman Daniel Davis: "That'd be fine."

Council Member S. Davis: "WHEREAS, the 2011 Timberland High School Football Team had a very successful season during the fall of 2011; and

WHEREAS, Timberland capped the year by beating Woodruff High School on December 2, 2011, with a score of 20 to 30, thereby winning the South Carolina AA class State Championship; and

WHEREAS, Berkeley County Council is proud to recognize the outstanding accomplishment that was achieved by members of the Timberland High School Football Team; and

WHEREAS, these achievements could not have been reached without the leadership of Head Coach Arthur Craig.

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that Council hereby honors the exemplary performance of the 2011 Timberland High School Football Team.

DONE this 23rd day of January, 2012."

Chairman Daniel Davis: "Thank you, Mr. Davis. So we have a motion and a second. Any discussion on those? On those three resolutions and we'll prepare those. Ok, we have a motion and a second, any discussion on those? On those three resolutions and we'll prepare those. Hearing none, all those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). Those resolutions are approved."

It was moved by Council Member S. Davis and seconded by Council Member Callanan to **approve** the resolutions honoring the **2011 Timberland High School Football Team** for winning the South Carolina State Championship AA Division, **2011 Goose Creek Football Team** for winning the Class AAAA Division II State Championship, and **2011 Bishop England Football Team** for winning the Division II-AA State Championship. The motion passed by unanimous voice vote of Council. (Copies of resolution numbers 12-02; 12-03; & 12-04 are attached.)

Chairman Daniel Davis: "We now have an opportunity for nominations for membership on Boards and Commissions."

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.
ACCOMMODATIONS TAX ADVISORY COMMITTEE

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight?"

Council Member Schurlknight: "Mr. Chairman, on the Accommodations Tax Advisory Committee I move to reappoint all the members. They have all been contacted and are willing to serve."

Council Member S. Davis: "Second."

Chairman Daniel Davis: "Ok, Accommodations....Are there any others?"

**CHARLESTON AREA TRANSPORTATION STUDY
COUNCIL OF GOVERNMENTS**

Council Member C. Davis: "Yes, Mr. Chairman?"

Chairman Daniel Davis: "Ms. Davis?"

Council Member C. Davis: "I'd like to re-nominate Tim Callanan for the Charleston Area Transportation Study and also, Mr. Callanan, for the Council of Governments full board."

Chairman Daniel Davis: "Ok."

Council Member Farley: "Mr. Chairman? Why wasn't the Accommodations Tax Listed on the ones that needed to be redone?"

Council Member Callanan: "It was on mine."

Council Member Farley: "I don't know."

Council Member Callanan: "It was on mine."

Chairman Daniel Davis: "Pardon me?"

Council Member Callanan: "It was on my list, I saw it on mine."

Council Member Schurlknight: "Yeah."

Council Member Callanan: "It might be two different lists."

Council Member Schurlknight: "But, it was on last...two weeks ago and also, supposed to be tonight."

Council Member S. Davis: "Mr. Farley wasted coffee on his."

Chairman Daniel Davis: "Ok, alright, so, we have a motion for the Accommodations Committee Members to be re-appointed and for Tim Callanan to be re-appointed to CHATS and Council of Governments Board, full-board. Do we have a motion and a second?"

Council Member Pinckney: "So move."

Council Member Fish: "Second."

Chairman Daniel Davis: "We have a motion and a second. Any discussion? Hearing none, all those in favor of those appointments please signify by saying Aye (Ayes). All those opposed Nay? (No Response). Those appointments are approved."

Council Member Schurlknight and Council Member S. Davis moved to **approve** the re-nominations of the current members of the Accommodations Tax Committee and the re-nomination of Council Member Tim Callanan to the CHATS Committee as well as, the Council of Governments Full-Board. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE- none

UNFINISHED BUSINESS- none

NEW BUSINESS- none

ANNOUNCEMENTS

THE FEBRUARY 2012, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY, FEBRUARY 27, 2012, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COUNCIL MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.

ADJOURNMENT

Chairman Daniel Davis: "I'll entertain a motion to adjourn."

Council Member Fish: "So move."

Council Member Schurlknight: "Second."

Chairman Daniel Davis: "All those in favor signify by saying Aye (Ayes). All those opposed Nay? (No Response). We stand adjourned."

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

Public Discussion commenced at 7:54 p.m.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

Chairman Daniel Davis: "We have one individual signed up for public comments, so if Mr. Rurer, you know the rules?"

Mr. Jeff Rurer: "My name is Jeff Rurer. I live at 100 Mepkin Drive, Summerville, South Carolina. That's Berkeley County portion. I have a brief comment this evening. I go to various meetings throughout the County. I go to some City Hall Meetings, I go to School Board Meetings, and I regularly attend this meeting, and what I'm asking Council to consider is, the time frame that you allow citizens to speak what's on their mind that isn't on the Agenda. You push this to the end of the meeting. If you look out into the chairs, there's nobody here. Fortunately, Home Telephone guy told me that this would be recorded, but I would request that you'd consider moving this portion to the beginning of the meeting, 15-minute segment, 3 minutes per person. You usually don't have that many who want to talk, so at least when we do have something to say, there will be somebody here to hear us. So, I'd appreciate that, and since I have the floor, one other thing. According to what I look at on the Council thing, there's, I think, 8 Republicans on County Council including the Supervisor. I go all the GOP breakfasts, and the GOP Executive Committee Meetings for Berkeley County. Some of you, I've never seen at any of these meetings, and there's others that I've only seen just prior to election, and I was just wondering, if you are Republican and you're running as a Republican, you've got an "R" after your name. We'd like to see you attend some of these meetings, so you know what's going on within the party. Thank you for your time."

Chairman Daniel Davis: "Thank you."

Chairman S. Davis: "I promise to crash the party..."

Chairman Daniel Davis: "Ok. Good Evening everybody."

Public Discussion concluded at 7:56 p.m.

S/Catherine Windham
Interim Clerk to Council

February 27, 2012
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, January 23, 2012**, following the meetings of any scheduled Committees at **6:02 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Public Hearings: Bills 11-19, 11-36, 11-39, 11-40
Regular Council Meeting

December 12, 2011
December 12, 2011

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

A. Frank Carson, PE, Engineer, Re: Update on Transportation Sales Tax Program.

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance**
Council Member, Mr. Jack H. Schurlknight, Chairman
 - a. Capital Project, General Obligation Bonds, Series 2009A for the St. Stephens Library and Magistrate Office.
- 2. Committee on Land Use**
Council Member, Mr. Phillip Farley, Chairman

3. **Committee on Public Works and Purchasing**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman
 - a. CBWWTP Flow Diversion Contract 2
4. **Committee on Justice and Public Safety**
Council Member, Mr. Steve C. Davis, Chairman
 - a. 2010 LEMPG Competitive Project Award
 - b. 2011 HMEP Planning Grant
5. **Committee on Water and Sanitation**
Council Member, Mr. Robert O. Call, Jr., Chairman
 - a. Curb-side Recycling – Daniel Island
6. **Committee on Planning and Development**
Council Member, Mrs. Cathy S. Davis, Chairman
7. **Committee on Community Services**
Council Member, Mr. Timothy J. Callanan, Chairman
8. **Committee on Human Services**
Council Member, Mr. Dennis Fish, Chairman

THIRD READING:

1. **Bill No. 11-19**, an **ordinance** authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P. and HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC and HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.
[Recommended by Committee on Finance]
2. **Bill No. 11-42**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to **govern the size, number, location, and design of all off-street parking and loading facilities in the unincorporated areas of Berkeley County.**
[Recommended by Committee on Land Use]
3. **Bill No. 11-43**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to provide for the **regulation uses permitted with conditions within the Light Industrial (LI) Zoning District.**
[Recommended by Committee on Land Use]

4. **Bill No. 11-44**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas & Hutton for Stanley Miles Properties, LLC (Charleston Auto Auction)**, located at 651 Precast Lane, Moncks Corner, **TMS #196-00-00-031 & 196-00-00-105** (53.18 +/- Acres) from **PDMU, Planned Development Mixed Use District to GC, General Commercial District**. Council District No. 6.
[Recommended by Committee on Land Use]

SECOND READING:

1. **Bill No. 11-45, Request by Amy Murray for Fred Holseberg**, located at 1880 N. Main St., Summerville, **TMS #222-13-06-011** (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District**. Council District 4.
[Staff recommended approval]
[Planning Commission recommended approval - Unanimous]
2. **Bill No. 11-46, Request by Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, **TMS #271-00-02-035** (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District**. Council District 8
[Staff recommended approval]
[Planning Commission recommended conditional approval – Unanimous]
3. **Bill No. 11-47, Request by Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, **TMS #202-00-00-012** (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District 8
[Staff recommended approval]
[Planning Commission recommended approval – Unanimous]
4. **Bill No. 11-48**, an **ordinance** of the County Council of Berkeley County providing for the amendments of that certain **Water Purchase and Supply Agreement** between the **Lake Marion Regional Water Agency** and Berkeley County, South Carolina; and other matters relating thereto.

FIRST READING:

1. **Bill No. 11-49**, an **ordinance** (1) authorizing the execution and delivery of fee in lieu of tax and incentive agreement (the "Incentive Agreement") by and between Berkeley County, South Carolina ("The County") and **MWV-Omni, LLC**, acting for itself, or one or more affiliates or other project sponsors, (The "Company"), in connection with the establishment of certain facilities and/or the making of certain investments in the County (The "Project"); (2) authorizing the benefits of a multi-county industrial or business park

to be made available to the Company and the Project; (3) approving and ratifying the assignment and transfer to the Company of the rights, interests, and obligations of Eastway Properties, LLC ("Eastway") and TC-MET OMNI PHASE I, LLC ("TC-MET") under (i) the fee in lieu of tax agreement by and between the County and Eastway dated as of June 9, 2008 and (ii) the partial assignment and assumption of fee in lieu of tax agreement by and between Eastway and TC-MET (Collectively, the existing FILOT Agreement); (3) authorizing termination of the existing FILOT Agreement upon execution and delivery of the incentive agreement; and (4) authorizing other matters relating thereto.

RESOLUTIONS:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2011-2012 Berkeley County Budget** for County purposes other than as specified in said budget.
2. **RESOLUTION** for the Timberland Football Team State Champions, AA Division.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
AERONAUTICS COMMISSION
CHARLESTON AREA TRANSPORTATION STUDY
CHARLESTON REGIONAL DEVELOPMENT ALLIANCE
COUNCIL OF GOVERNMENTS
DEVON FOREST SPECIAL TAX DISTRICT
GOOSE CREEK RECREATION COMMISSION
LIBRARY BOARD
MENTAL HEALTH BOARD
PIMLICO TAX DISTRICT
SPECIAL FIRE TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE FEBRUARY 2012, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY, FEBRUARY 27, 2012, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COUNCIL MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

January 18, 2012
S/Catherine R. Windham
Interim Clerk of County Council

ADDENDUM #2

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, January 23, 2012**, following the meetings of any scheduled Committees at **6:02 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

ADD:

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance**
Council Member, Mr. Jack H. Schurlknight, Chairman
- b. Transparency Committee Report**

January 20, 2012
S/Catherine R. Windham
Interim Clerk to County Council